THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.25410 of 2005

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Dated: 29.11.2005

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Between:

Syed Azad, S/o.Late Meer Abbas Ali,
R/o.122/4, Railway Quarter, Kothagudem,

Khammam District.

..... PETITIONER

AND

The Sr.Divisional Security Commissioner,

R.P.F., Secunderabad Division, Sanchalan Bahavan,
Secunderabad and another.

.....RESPONDENTS

ORDER:

The petitioner is employed as constable in the Railway Protection Force. After initiating disciplinary proceedings against him, the first respondent imposed the punishment of compulsory retirement against the petitioner, through proceedings dated 27.01.1998. The petitioner challenged the same by filing W.P.No. 20250 of 1999. The said writ petition was partly allowed on 14.02.2005 setting aside the order of compulsory retirement and imposing the punishment of stoppage of two annual increments with cumulative effect. The grievance of the petitioner is that he has not been paid any amount for the period during which he was out of service and claims the relief in this regard.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The petitioner was imposed the punishment of compulsory retirement. The respondents extended the monetory benefit payable on that account. The order of compulsory retirement came to be substituted with the one of stoppage of two annual increments with cumulative effect by this Court, through its order, dated 14.02.2005, in W.P.No. 20250 of 1999. The order is silent as to the entitlement of the petitioner to be paid any back wages for the interregnum period. The petitioner has not yet refunded the amount paid to him consequent upon his compulsory retirement. The petitioner cites the provisions in support of his claim for being paid the back wages for the interregnum period. However, the matter needs to be considered by the respondents.

Having regard to the truth in the order of the one as well as the one passed by this Court in W.P.No. 20250 of 1999, it is difficult for this Court to make any pronouncement on the disputed questions of fact, at this stage.

For the foregoing reasons, the writ petition is disposed of leaving it open to the petitioner to submit a representation narrating his grievance and indicating his entitlement and on receipt of the same, the first respondent shall pass appropriate orders within a period of three months from the date of receipt of the representation, pointing out the entitlement of the petitioner and the reasons there for. There shall be no order as to costs.

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29.11.2005

Note: Furnish C.C. in one week.

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